

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: Unknown
Filing Date: Herewith
Applicant: Frank Plesternings
Group Art Unit: Unknown
Examiner: Unknown
Title: CONVERTIBLE ROOF SYSTEM
Attorney Docket: 5362-000472

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION**

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. **COPIES**

A. X Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. ____ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. ☐ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☐ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ☐ See the attached foreign patent office communication from a counterpart foreign application:
2. ☐ English translations are provided for:
3. ☐ Other:

C. ☐ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ☐ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. ☒ 37 C.F.R. § 1.97(b): (check only one box)

1. ☒ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. ____ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ____ 37 C.F.R. § 1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ____ See the certification below. No fee is required.

C. ____ 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. ____ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. § 1.704(d) below in section VII, if applicable; or

B. ____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37

C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ☐ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

☐ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ☐ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ☐ Please charge Deposit Account No. 50-0275 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-0275.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 50-0275.

Respectfully submitted,

Dated: July 28, 2003

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

By: Jeffrey L. Snyder
Jeffrey L. Snyder, Reg. No. 43,141

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 1 of 6	ATTORNEY DOCKET No.	SERIAL No.
	5362-000472	Unknown
	APPLICANT	
	Frank Plesternings	
	FILING DATE	GROUP
Herewith	Unknown	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2,935,350	05/03/60	Bestrom		
2.		4,415,189	11/15/83	Kastelic, Jr.		
3.		4,441,345	04/10/84	Guarr		
4.		4,466,644	08/21/84	Wooten, et al.		
5.		4,523,785	06/18/85	Draper, et al.		
6.		4,529,243	07/16/85	Kaltz, et al.		
7.		4,537,440	08/27/85	Brockway, et al.		
8.		4,540,215	09/10/85	Swearingen		
9.		4,600,233	07/15/86	Boydston		
10.		4,687,247	08/18/87	Muscat		
11.		4,712,828	12/15/87	Albrecht		
12.		4,723,812	02/09/88	Masuda, et al.		
13.		4,783,113	11/08/88	Padlo		
14.		4,799,729	01/24/89	Muscat		
15.		4,801,173	01/31/89	Trenkler		
16.		4,815,775	03/28/89	Mertin, et al.		
17.		4,819,983	04/11/89	Alexander, et al.		
18.		4,830,425	05/16/89	Muscat		
19.		4,898,410	02/06/90	Brin		
20.		4,917,415	04/17/90	Wurl		
21.		5,035,463	07/30/91	Kato, et al.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<p>FORM HDP-1449 (Based on Form PTO-1449)</p> <p>PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p> <p>Sheet 2 of 6</p>	ATTORNEY DOCKET NO.	SERIAL NO.
	5362-000472	Unknown
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	FILING DATE	GROUP
	Herewith	Unknown

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		5,042,869	08/27/91	Brin		
23.		5,046,767	09/10/91	Muscat		
24.		5,052,740	10/01/91	Bauer, et al.		
25.		5,085,483	02/04/92	Alexander		
26.		5,154,479	10/13/92	Sautter, Jr.		
27.		5,186,516	02/16/93	Alexander, et al.		
28.		5,269,586	12/14/93	Hahn, et al.		
29.		5,284,378	02/08/94	Sautter, Jr.		
30.		5,301,987	04/12/94	Tokarz, et al.		
31.		5,322,336	06/21/94	Isler		
32.		5,338,085	08/16/94	Guckel, et al.		
33.		5,413,390	05/09/95	Filippi		
34.		5,429,400	07/04/95	Kawaguchi, et al.		
35.		5,435,615	07/25/95	Schmitz		
36.		5,490,709	02/13/96	Rahn		
37.		5,582,454	12/10/96	Grover		
38.		5,595,407	01/21/97	ter Horst, et al.		
39.		5,620,226	04/15/97	Sautter, Jr.		
40.		5,624,149	04/29/97	Tokarz		
41.		5,645,309	08/08/97	Graf		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 3 of 6	ATTORNEY DOCKET NO.	SERIAL NO.
	5362-000472	Unknown
	APPLICANT	
	Frank Plesternings	
	FILING DATE	GROUP
	Herewith	Unknown

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		5,678,881	10/21/97	Tokarz		
43.		5,722,704	03/03/98	Chaput, et al.		
44.		5,743,587	04/28/98	Alexander, et al.		
45.		5,755,467	05/26/98	Dilluvio, et al.		
46.		5,769,483	06/23/98	Danzl, et al.		
47.		5,772,275	06/30/98	Tokarz		
48.		5,785,375	07/28/98	Alexander, et al.		
49.		5,820,206	10/13/98	Smith		
50.		5,833,300	11/10/98	Russke		
51.		5,839,778	11/24/98	Schaible, et al.		
52.		5,904,394	05/18/99	Dilluvio, et al.		
53.		5,921,608	07/13/99	Schmitt, et al.		
54.		5,944,375	08/31/99	Schenk, et al.		
55.		5,954,382	09/21/99	Combs		
56.		5,967,593	10/19/99	Schuler, et al.		
57.		5,979,970	11/09/99	Rothe, et al.		
58.		6,019,417	02/01/00	Haberl		
59.		6,027,162	02/22/00	Smith		
60.		6,033,008	03/07/00	Mattila		
61.		6,033,009	03/07/00	Ritter, et al.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 4 of 6

ATTORNEY DOCKET NO.

5362-000472

SERIAL NO.

Unknown

APPLICANT

Frank Plesternings

FILING DATE

Herewith

GROUP

Unknown

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		6,039,383	03/21/00	Jambor, et al.		
63.		6,042,174	03/28/00	Durrani		
64.		6,048,021	04/11/00	Sautter, Jr.		
65.		6,053,560	04/25/00	Rothe		
66.		6,062,625	05/16/00	Elelnrieder, et al.		
67.		6,062,637	05/16/00	Hoffman		
68.		6,086,136	07/11/00	Jambor, et al.		
69.		6,095,590	08/01/00	Matsuda, et al.		
70.		6,102,456	08/15/00	Boersma		
71.		6,131,988	10/17/00	Queveau, et al.		
72.		6,145,915	11/14/00	Queveau, et al.		
73.		6,155,614	12/05/00	Lange		
74.		6,158,786	12/12/00	Droste, et al.		
75.		6,168,224 B1	01/02/01	Henn, et al.		
76.		6,182,527 B1	02/06/01	Sander		
77.		6,213,534 B1	04/10/01	MacFarland		
78.		6,217,104 B1	04/17/01	Neubrand		
79.		6,227,604 B1	05/08/01	Grace		
80.		6,254,165 B1	07/03/01	Neubrand		
81.		6,257,648 B1	07/10/01	Schenk		

Examiner:

Date Considered:

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FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 5 of 6	ATTORNEY DOCKET NO.	SERIAL No.
	5362-000472	Unknown
	APPLICANT	
	Frank Plesternings	
	FILING DATE	GROUP
	Herewith	Unknown

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
82.		6,270,144 B1	08/07/01	Schenk		
83.		6,290,281 B1	09/18/01	Durrani, et al.		
84.		6,293,605 B2	09/25/01	Neubrand		
85.		6,309,005 B1	10/30/01	Priest, et al.		
86.		6,315,349 B1	11/13/01	Kinnanen		
87.		6,318,792 B1	11/20/01	Neubrand, et al.		
88.		6,318,793 B1	11/20/01	Rapin, et al.		
89.		6,331,029 B1	12/18/01	Schenk		
90.		6,336,673 B1	01/08/02	Rothe, et al.		
91.		6,347,828 B1	02/19/02	Rapin, et al.		
92.		6,349,990 B1	02/26/02	Park		
93.		6,361,086 B1	03/26/02	Robbins, et al.		
94.		6,364,396 B1	04/02/02	Hayashi, et al.		
95.		6,382,701 B1	05/07/02	Langguth, et al.		
96.		6,390,530 B1	05/21/02	Maass		
97.		6,390,531 B1	05/21/02	Schutt		
98.		6,390,532 B1	05/21/02	MacFarland		
99.		6,409,247 B1	06/25/02	Maass		
100.		6,419,294 B2	07/16/02	Neubrand		
101.		6,419,308 B1	07/16/02	Corder, et al.		

Examiner:	Date Considered:
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FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 6 of 6

ATTORNEY DOCKET NO.

5362-000472

SERIAL NO.

Unknown

APPLICANT

Frank Plesternings

FILING DATE

Herewith

GROUP

Unknown

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
102.		2001/0005090 A1	06/28/01	Haberl, et al.		
103.		2002/0005089 A1	01/17/02	Nagata, et al.		
104.		2002/0014782 A1	02/07/02	Neubrand		
105.		Re. 33,790	01/07/92	Huber		

FOREIGN PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.		WO 02/064391 A1	8/22/02	WIPO			
2.		EP 1 072 455 A2	1/31/01	EPO		Abstract	
3.		EP 1 072 456 A2	1/31/01	EPO		Abstract	
4.		EP 1 092 580 A1	04/18/01	EPO		Abstract	
5.		DE 44 15 969 A1	11/09/95	Germany		Yes	

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Ref. Desig.	Examiner's Initials	
1.		4-Pages of Photos of 2000 Model Year, Mercedes SLK Convertible Top Latch Mechanism

Examiner:

Date Considered:

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